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ATTORNEYS FOR DEFENDANT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CHESTER BEAN,

Plaintiff,

v.

IRON MOUNTAIN INFORMATION  
MANAGEMENT, INC.,

Defendant.  
-----X


Case No. 07 CV 10384 (HB)

**NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

PLEASE TAKE NOTICE, that upon the accompanying Affidavit of Eric P. Simon, Esq. and Memorandum of Law, the undersigned counsel for Defendant Iron Mountain Information Management, Inc. (referred to herein as "Defendant") will move this Court before the Honorable Harold Baer, Jr., United States District Court Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order dismissing Plaintiff's Complaint, in its entirety and with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

JACKSON LEWIS LLP  
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New York, New York 10038-4502  
(212) 545-4000

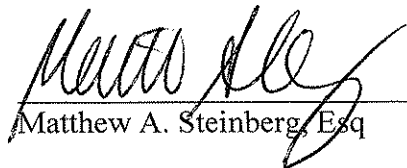
By:   
Eric P. Simon (ES 7002)  
Matthew A. Steinberg (MS 3979)

ATTORNEYS FOR DEFENDANT

Dated: January 17, 2008  
New York, New York

**CERTIFICATE OF SERVICE**

I hereby certify that on January 18, 2008, a true and correct copy of the foregoing Notice of Motion Complaint was served on Plaintiff's counsel Adam C. Virant, Esq., via Federal Express Overnight Mail, at his address of record located at Karpf, Karpf & Virant, 140 Broadway, 46<sup>th</sup> Floor, New York, New York 10005.

  
Matthew A. Steinberg, Esq